

## ENROLLED ORIGINAL

AN ACT  
D.C. ACT 17-403

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 6, 2008*Codification  
District of  
Columbia  
Official Code*

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To amend the the General Legislative Procedures Act of 1975 to clarify that step-relationships include relationships created by a domestic partnership registration; to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to include a domestic partner in the definition of relative in the career and education services, and to allow domestic partners to be included in employee's health insurance, disability compensation and retirement; to amend the District of Columbia Retirement Reform Act to include domestic partners as parties in interest; to amend the Police Officers, Fire Fighters, and Teachers Retirement Benefit Replacement Plan Act of 1998 to include domestic partners as parties in interest; to amend the District of Columbia Campaign Finance Reform and Conflict of Interest Act to include domestic partner in the definition of immediate family; to amend the Human Rights Act of 1977 to include domestic partner in the definition of family member; to amend An Act For the promotion of anatomical science and to prevent the desecration of graves in the District of Columbia to grant domestic partners standing as related to the deceased to provide for funerals that would otherwise be held at public expense; to amend the District of Columbia Boxing and Wrestling Commission Act of 1975 to preclude a commissioner from acting where it might affect the financial interest of his or her domestic partner; to amend the District of Columbia Health Occupations Revision Act of 1985 to include domestic partner within the definition of household member; to amend the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia to exclude domestic partners of certain persons from eligibility for prizes or providing supplies; to amend the Prevention of Child Abuse and Neglect Act of 1977 to exclude domestic partner privilege from testimony concerning the welfare of or the removal of parental rights of a neglected child; to amend An Act To provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children to provide that the domestic partner privilege shall not be grounds for excluding evidence in neglect proceedings; to amend An Act To authorize the establishment of a band in the Metropolitan Police force to include domestic partners as survivors for purposes of police band director retirement; to amend the District of Columbia Housing Authority

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Act of 1999 to prohibit the domestic partner of certain persons from being commissioners; to amend the Natural Death Act of 1981 to prohibit domestic partners from witnessing a death certificate; to amend the Mental Health Consumers' Rights Protection Act of 2001 to preserve the right of consumers to enter into and dissolve domestic partnerships; to amend the AIDS Health-Care Response Act of 1986 to expand services under this act to include an AIDS patient's domestic partner; to amend section 15-503 of the District of Columbia Official Code to include domestic partners when computing family aggregate earnings to determine an exemption; to amend Title 16 of the District of Columbia Official Code to include domestic partners in the list of persons who can petition for habeas corpus and whose testimonial privilege does not apply in family division cases; to amend section 19-1106 of the District of Columbia Official Code to provide a presumption of survivorship for domestic partners with regard to custodial trusts; to amend Title 21 of the District of Columbia Official Code to give domestic partners the same standing as spouses in the treatment of mentally ill partners; to amend An Act To establish a code of law for the District of Columbia to prohibit false personations for domestic partnership registrations and to prohibit bigamy among domestic partners; to amend section 23-547 of the District of Columbia Official Code to provide immunity from testimony for domestic partners; to amend An Act Relating to the payment or delivery by banks or other persons or institutions in the District of Columbia of deposits of money and property held in the names of two or more persons, and for other purposes to include domestic partners as survivors for joint accounts; to amend Title 28 of the District of Columbia Official Code to include the interest of domestic partners in trust administration decisions; to amend the Health Insurance Portability and Accountability Federal Law Conformity and No-Fault Motor Vehicle Insurance Act of 1998 to include domestic partners as dependents; to amend the Life Insurance Act to include domestic partners as dependents; to amend the Employment Services Licensing and Regulation Act of 1984 to include domestic partnership within the meaning of marital status; to amend the Health Care Benefits Expansion Act of 1992 to permit legal relationships substantially similar to domestic partnerships to qualify for benefits and to clarify that a domestic partnership is terminated upon the marriage of the partners; to amend the District of Columbia Workers' Compensation Act of 1979 to include domestic partners as survivors; to amend An Act For the retirement of public-school teachers in the District of Columbia to include domestic partners as survivors; to amend An Act To establish a code of law for the District of Columbia to permit domestic partners to hold property as tenants by the entirety and to revise the deed forms to include domestic partners; to amend the District of Columbia Deed Recordation Tax Act to replace gender-specific terms with gender-neutral terms; to amend the Residential Real Property Seller Disclosure, Funeral Services Date Change, and Public Service Commission Independent Procurement Authority Act of 1998 to include transfers of real

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estate between domestic partners as excluded from the provisions of that act; to amend the Condominium Act of 1976 to permit domestic partners to hold condominium units as tenants by the entirety; to amend the Rental Housing Conversion and Sale Act of 1980 to replace gender-specific terms with gender-neutral terms; to amend the Rental Housing Act of 1985 to include domestic partners when making the determination of the smallest unit-size appropriate for an eligible family; to amend the Nursing Home and Community Residence Facility Residents' Protections Act of 1985 to include domestic partners among those unqualified to be appointed as a receiver; and to amend Title 47 of the District of Columbia Official Code to require domestic partners be treated the same as spouses in the administration of District of Columbia tax law.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Omnibus Domestic Partnership Equality Amendment Act of 2008".

Sec. 2. Section 2 of the General Legislative Procedures Act of 1975, effective September 25, 1975 (D.C. Law 1-17; D.C. Official Code § 1-301.45), is amended by adding a new paragraph (11) to read as follows:

Amend  
§ 1-301.45

"(11) words such as "stepparent," "stepmother," "stepfather," "stepchild," "stepsister," and "stepbrother" are used to indicate a category of a family step-relationship created when an individual who is a parent of a child:

"(A) marries an individual who is not a parent of that child; or

"(B) becomes a domestic partner of an individual who is not a parent of that child by registering the domestic partnership pursuant to section 3 of the Health Care Benefits Expansion Act of 1993, effective June 11, 1991 (D.C. Law 9-144; D.C. Official Code § 32-702)."

Sec. 3. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), is amended as follows:

(a) Section 301 (D.C. Official Code § 1-603.01) is amended as follows:

(1) Redesignate paragraph (e-1) as paragraph (e-3).

(2) New paragraphs (e-1) and (e-2) are added to read as follows:

"(e-1) The term "domestic partner" shall have the same meaning as provided in section 2(3) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(3)).

"(e-2) The term "domestic partnership" shall have the same meaning as provided in section 2(4) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(4))."

Amend  
§ 1-603.01

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- (b) Section 703 (D.C. Official Code § 1-607.03) is amended as follows: Amend  
§ 1-607.03
- (1) Subsection (h) is amended by striking the phrase “unmarried widow or widower” and inserting the phrase “surviving spouse or surviving domestic partner who has not subsequently married or entered into a domestic partnership” in its place.
- (2) Subsection (i) is amended by striking the phrase “wife or husband” and inserting the phrase “spouse or domestic partner” in its place.
- (c) Section 801(c)(1) (D.C. Official Code § 1-608.01(c)(1)) is amended by striking the phrase “husband, wife” and inserting the phrase “spouse, domestic partner” in its place. Amend  
§ 1-608.01
- (d) Section 801a(c)(1) (D.C. Official Code § 1-608.01a(c)(1)) is amended by striking the phrase “husband, wife” and inserting the phrase “spouse, domestic partner” in its place. Amend  
§ 1-608.01a
- (e) Section 2107(b) (D.C. Official Code § 1-621.07(b)) is amended by striking the word “spouse” wherever it appears and inserting the phrase “spouse or domestic partner” in its place. Amend  
§ 1-621.07
- (f) Section 2301 (D.C. Official Code § 1-623.01) is amended as follows: Amend  
§ 1-623.01
- (1) Paragraphs (6) and (11) are repealed.
- (2) A new paragraph (21) is added to read as follows:
- “(21) The term “surviving spouse or domestic partner” means the spouse or domestic partner living with or dependent for support on the decedent at the time of his or her death, or living apart for reasonable cause or because of his or her desertion.”.
- (g) Section 2309 (D.C. Official Code § 1-623.09) is amended by striking the phrase “widow or widower” wherever it appears and inserting the phrase “surviving spouse or domestic partner” in its place. Amend  
§ 1-623.09
- (h) Section 2310(a) (D.C. Official Code § 1-623.10(a)) is amended as follows: Amend  
§ 1-623.10
- (1) Paragraph (1) is amended by striking the word “spouse” and inserting the phrase “spouse or domestic partner” in its place.
- (2) The undesignated paragraph is amended by striking the word “marries” and inserting the phrase “marries or enters into a domestic partnership” in its place.
- (i) Section 2333 (D.C. Official Code § 1-623.33) is amended as follows: Amend  
§ 1-623.33
- (1) Strike the phrase “widow or widower” wherever it appears and insert the phrase “surviving spouse or domestic partner” in its place.
- (2) Strike the phrase “widow, widower” wherever it appears and insert the phrase “surviving spouse or domestic partner” in its place.
- (3) Subsection (b)(1) is amended as follows:
- (A) Strike the word “marries” wherever it appears and insert the phrase “marries or enters into a domestic partnership” in its place.
- (B) Subparagraph (A) is amended by striking the phrase “dies or remarries” and inserting the phrase “dies, remarries, or enters a domestic partnership” in its place.
- (j) Section 2335 (D.C. Official Code § 1-623.35) is amended as follows: Amend  
§ 1-623.35
- (1) Strike the phrase “widow or widower” wherever it appears and insert the

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phrase “surviving spouse or domestic partner” in its place.

(2) Subsection (c) is amended by striking the word “remarriage” wherever it appears and inserting the phrase “remarriage or entry into a domestic partnership” in its place.

(k) Section 2604(6)(E) (D.C. Official Code § 1-626.04(6)(E)) is amended by striking the word “spouse” wherever it appears and inserting the phrase “spouse or domestic partner” in its place.

Amend  
§ 1-626.04

Sec. 4. Section 102 of the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 866; D.C. Official Code § 1-702), is amended as follows:

Amend  
§ 1-702

(a) Paragraph (9)(E) is amended by striking the word “spouse” wherever it appears and inserting the phrase “spouse or domestic partner” in its place.

(b) A new paragraph (25) is added to read as follows:

“(25) The term “domestic partner” shall have the same meaning as provided in section 2(3) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(3)).”.

Sec. 5. Section 102 of the Police Officers, Fire Fighters, and Teachers Retirement Benefit Replacement Plan Act of 1998, effective September 18, 1998 (D.C. Law 12-152; D.C. Official Code § 1-901.02), is amended as follows:

Amend  
§ 1-901.02

(a) A new paragraph (2A) is added to read as follows:

“(2A) “Domestic partner” shall have the same meaning as provided in section 2(3) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(3)).”.

(b) Paragraph (11)(E) is amended by striking the word “spouse” wherever it appears and inserting the phrase “spouse or domestic partner” in its place.

Sec. 6. The District of Columbia Campaign Finance Reform and Conflict of Interest Act, approved August 14, 1974 (88 Stat. 446; D.C. Official Code § 1-1101.01 *et seq.*), is amended as follows:

(a) Section 102 (D.C. Official Code § 1-1101.01) is amended by adding a new paragraph (12) to read as follows:

Amend  
§ 1-1101.01

“(12) The term “domestic partner” shall have the same meaning as provided in section 2(3) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(3)).”.

(b) Section 601(i)(5) (D.C. Official Code § 1-1106.01(i)(5)) is amended by striking the word “spouse” wherever it appears and inserting the phrase “spouse or domestic partner” in its place.

Amend  
§ 1-1106.01

(c) Section 602(h)(5) (D.C. Official Code § 1-1106.02(h)(5)) is amended by striking the word “spouse” and inserting the phrase “spouse or domestic partner” in its place.

Amend  
§ 1-1106.02

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Sec. 7. Section 102 of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.02), is amended as follows:

Amend  
§ 2-1401.02

(a) New paragraphs (g-1) and (g-2) are added to read as follows:

“(g-1) “Domestic partner” shall have the same meaning as provided in section 2(3) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(3)).

“(g-2) “Domestic partnership” shall have the same meaning as provided in section 2(4) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(4)).”

(b) Paragraph (k-2) is amended to read as follows:

“(k-2) “Family member” means, with respect to an individual and genetic information, the spouse or domestic partner of the individual, dependent child (whether born to or placed for adoption with the individual), and all other individuals related by blood to the individual, spouse, domestic partner, or child.”

Sec. 8. Section 2 of An Act For the promotion of anatomical science and to prevent the desecration of graves in the District of Columbia, approved April 29, 1902 (32 Stat. 173; D.C. Official Code § 3-202), is amended by striking the word “marriage” and inserting the phrase “marriage or domestic partnership, as that term is defined in section 2(4) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(4)),” in its place.

Amend  
§ 3-202

Sec. 9. The District of Columbia Boxing and Wrestling Commission Act, effective October 8, 1975 (D.C. Law 1-20; D.C. Official Code § 3-601 *et seq.*), is amended as follows:

(a) Section 3 (D.C. Official Code § 3-602) is amended by adding a new paragraph (h) to read as follows:

Amend  
§ 3-602

“(h) The term “domestic partner” shall have the same meaning as provided in section 2(3) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(3)).”

(b) Section 10(a) (D.C. Official Code § 3-609(a)) is amended by striking the word “spouse” and inserting the phrase “spouse or domestic partner” in its place.

Amend  
§ 3-609

Sec. 10. The District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 3-1201.01) is amended by adding a new paragraph (6A) to read as follows:

Amend  
§ 3-1201.01

“(6A) “Domestic partnership” shall have the same meaning as provided in section 2(4) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C.

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Law 9-114; D.C. Official Code § 32-701(4)).”.

(b) Section 401(d) (D.C. Official Code § 3-1204.01(d)) is amended by striking the phrase “by blood or marriage” and inserting the phrase “by blood, marriage, or domestic partnership” in its place.

Amend  
§ 3-1204.01

Sec. 11. The Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3-172; D.C. Official Code § 3-1301 *et seq.*), is amended as follows:

(a) Section 4 (D.C. Official Code § 3-1320) is amended as follows:

Amend  
§ 3-1320

(1) Designate the existing text as subsection (a).

(2) The newly designated subsection (a) is amended by striking the phrase “spouse,” and inserting the phrase “spouse, domestic partner,” in its place.

(3) A new subsection (b) is added to read as follows:

“(b) For the purposes of this section, the term “domestic partner” shall have the same meaning as provided in section 2(3) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(3)).”.

(b) Section 4 (D.C. Official Code § 3-1328) is amended as follows:

Amend  
§ 3-1328

(1) Designate the existing text as subsection (a).

(2) The newly designated subsection (a) is amended by striking the word “married” and inserting the phrase “married to, in a domestic partnership with,” in its place.

(3) A new subsection (b) is added to read as follows:

“(b) For the purposes of this section, the term “domestic partnership” shall have the same meaning as provided in section 2(4) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(4)).”.

Sec. 12. Section 102 of the Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1301.02), is amended as follows:

Amend  
§ 4-1301.02

(a) A new paragraph (6A) is added to read as follows:

“(6A) “Domestic partnership” shall have the same meaning as provided in section 2(4) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(4)).”.

(b) Paragraph (12) is amended by striking the phrase “marriage,” and inserting the phrase “marriage, domestic partnership,” in its place.

(c) Paragraph (14)(D)(i) is amended by striking the phrase “marriage,” and inserting the phrase “marriage, domestic partnership,” in its place.

Sec. 13. Section 5 of An Act To provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children, approved

Amend  
§ 4-1321.05

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November 6, 1966 (80 Stat. 1355; D. C. Official Code § 4-1321.05), is amended by striking the phrase “husband-wife” and inserting the phrase “spouse or domestic partner” in its place.

Sec. 14. Section 3 of An Act To authorize the establishment of a band in the Metropolitan Police force, approved September 22, 1959 (73 Stat. 640; D.C. Official Code § 5-131.03), is amended as follows: Amend  
§ 5-131.03

(a) Designate the existing text as subsection (a).

(b) The newly designated subsection (a) is amended by striking the phrase “spouse,” wherever it appears and inserting the phrase “spouse, domestic partner,” in its place.

(c) A new subsection (b) is added to read as follows:

“(b) For the purposes of this section, the term “domestic partner” shall have the same meaning as provided in section 2(3) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(3)).”

Sec. 15. The District of Columbia Housing Authority Act of 1999, effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-201 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 6-201) is amended by adding a new paragraph (16A) to read as follows: Amend  
§ 6-201

“(16A) “Domestic partner” shall have the same meaning as provided in section 2(3) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(3)).”

(b) Section 12(q) (D.C. Official Code § 6-211(q)) is amended by striking the word “spouse” wherever it appears and inserting the phrase “spouse or domestic partner” in its place. Amend  
§ 6-211

Sec. 16. The Natural Death Act of 1981, effective February 25, 1982 (D.C. Law 4-69; D.C. Official Code § 7-621 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 7-621) is amended by adding a new paragraph (2A) to read as follows: Amend  
§ 7-621

“(2A) “Domestic partnership” shall have the same meaning as provided in section 2(4) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(4)).”

(b) Section 3 (D.C. Official Code § 7-622) is amended by striking the phrase “blood or marriage” wherever it appears and inserting the phrase “blood, marriage, or domestic partnership” in its place. Amend  
§ 7-622

Sec. 17. The Mental Health Consumers' Rights Protection Act of 2001, effective December 18, 2001 (D.C. Law 14-56; D.C. Official Code § 7-1231.01 *et seq.*), is amended as follows:

(a) Section 102 (D.C. Official Code § 7-1231.02) is amended by adding a new Amend  
§ 7-1231.02



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paragraph (8A) to read as follows:

“(8A) “Domestic partnership” shall have the same meaning as provided in section 2(4) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(4)).”.

(b) Section 213(3) (D.C. Official Code § 7-1231.13(3)) is amended to read as follows:

Amend  
§ 7-1231.13

“(3) Marry or enter into a domestic partnership, or obtain a divorce, annulment, or dissolution of marriage or a termination of a domestic partnership in accordance with section 3(d) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-702(d)).”.

Sec. 18. Section 2 of the AIDS Health-Care Response Act of 1986, effective June 10, 1986 (D.C. Law 6-121; D.C. Official Code § 7-1601), is amended as follows:

Amend  
§ 7-1601

(a) A new paragraph (3A) is added to read as follows:

“(3A) “Domestic partnership” shall have the same meaning as provided in section 2(4) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(4)).”.

(b) Paragraph (4) is amended by striking the phrase “marriage,” and inserting the phrase “marriage, domestic partnership,” in its place.

Sec. 19. Section 15-503 of the District of Columbia Official Code is amended as follows:

Amend  
§ 15-503

(a) Subsection (a) is amended by striking the phrase “husband and wife” wherever it appears and inserting the phrase “spouses or domestic partners” in its place.

(b) Subsection (d) is amended by striking the word “spouse” and inserting the phrase “spouse or domestic partner” in its place.

(c) A new subsection (e) is added to read as follows:

“(e) For the purposes of this section, the term “domestic partner” shall have the same meaning as provided in § 32-701(3).”.

Sec. 20. Title 16 of the District of Columbia Official Code is amended as follows:

(a) Section 16-904(d)(1) is amended by striking the phrase “wife or husband” and inserting the word “spouse” in its place.

Amend  
§ 16-904

(b) Section 16-910 is amended by striking the phrase “§ 32-702” in the lead-in language and inserting the phrase “§ 32-702(d)” in its place.

Amend  
§ 16-910

(c) Section 16-911(a) is amended by striking the phrase “§ 32-702” and inserting the phrase “§ 32-702(d)” in its place.

Amend  
§ 16-911

(d) Section 16-913(a) is amended by striking the phrase “§ 32-702” and inserting the phrase “§ 32-702(d)” in its place.

Amend  
§ 16-913

(e) Section 16-916(b) is amended by striking the phrase “termination of the domestic

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partnership,” and inserting the phrase “termination of the domestic partnership, in accordance with § 32-702(d),” in its place.

Amend  
§ 16-916

(f) Section 16-1908 is amended as follows:

Amend  
§ 16-1908

(1) Strike the phrase “or husband” and insert the phrase “spouse, or domestic partner” in its place.

(2) Strike the phrase “or wife” and insert the phrase “spouse, or domestic partner” in its place.

(3) Add a new sentence at the end to read as follows:

“For the purposes of this section, the term “domestic partner” shall have the same meaning as provided in § 32-701(3).”.

(g) Section 16-2301 is amended by adding a new paragraph (44) to read as follows:

Amend  
§ 16-2301

“(44) The term “domestic partner” shall have the same meaning as provided in § 32-701(3).”.

(h) Section 16-2359(e) is amended by striking the phrase “husband/wife” and inserting the phrase “spouse or domestic partner” in its place.

Amend  
§ 16-2359

(i) Section 16-2388(e) is amended by striking the phrase “husband/wife” and inserting the phrase “spouse or domestic partner” in its place.

Amend  
§ 16-2388

Sec. 21. Title 19 of the District of Columbia Official Code is amended as follows:

(a) Section 19-1101 is amended by adding a new paragraph (6A) to read as follows:

Amend  
§ 19-1101

“(6A) “Domestic partner” shall have the same meaning as provided in § 32-701(3).”.

(b) Section 19-1106(a) is amended by striking the phrase “husband and wife” and inserting the phrase “spouses or domestic partners” in its place.

Amend  
§ 19-1106

Sec. 22. Title 21 of the District of Columbia Official Code is amended as follows:

(a) Section 21-501 is amended by adding a new paragraph (4A-i) to read as follows:

Amend  
§ 21-501

“(4A-i) “Domestic partner” shall have the same meaning as provided in § 32-701(3).”.

(b) Section 21-512(a) is amended by striking the word “spouse” and inserting the phrase “spouse or domestic partner” in its place.

Amend  
§ 21-512

(c) Section 21-522(d) is amended by striking the word “spouse” and inserting the phrase “spouse or domestic partner” in its place.

Amend  
§ 21-522

(d) Section 21-527 is amended by striking the word “spouse” wherever it appears and inserting the phrase “spouse or domestic partner” in its place.

Amend  
§ 21-527

(e) Section 21-565 is amended by striking the word “spouse” and inserting the phrase “spouse, domestic partner” in its place.

Amend  
§ 21-565

(f) Section 21-582(a)(1) is amended by striking the phrase “blood or marriage” and inserting the phrase “blood, marriage, or domestic partnership” in its place.

Amend  
§ 21-582

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(g) Section 21-2202 is amended by adding a new paragraph (2B) to read as follows:

Amend  
§ 21-2202

“(2B) “Domestic partnership” means 2 adult persons living together, but not married, in a committed, intimate relationship. The term “domestic partnership” shall include any relationship registered under § 32-701(4), as well as any relationship in another jurisdiction that includes a substantially equivalent registration requirement, including those relationships recognized under § 32-702(i).”.

(h) Section 21-2208(e) is amended to read as follows:

Amend  
§ 21-2208

“(e) Unless a durable power of attorney for health care expressly provides otherwise, and after its execution the marriage or domestic partnership of the principal is dissolved, annulled, or terminated in accordance with § 32-702(d)), the dissolution, annulment, or termination shall automatically revoke a designation of the former spouse or domestic partner as an attorney in fact to make health-care decisions for the principal. If a designation is revoked solely on account of this subsection, it shall be revived by the remarriage of the principal to the former spouse, or the reentry of the domestic partnership of the principal to the domestic partner, but may be subsequently revoked by an act of the principal.”.

Sec. 23. Sections 870 and 859 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1330; D.C. Official Code §§ 22-501 and § 22-1403), are amended as follows:

(a) Section 870 (D.C. Official Code § 22-501) is amended to read as follows:

Amend  
§ 22-501

“Sec. 870. Bigamy.

“(a) Whoever, having a spouse or domestic partner living, marries or enters a domestic partnership with another shall be deemed guilty of bigamy, and on conviction thereof shall suffer imprisonment for not less than 2 nor more than 7 years; provided, that this section shall not apply to any person whose:

“(1) Spouse or domestic partner has been continually absent for 5 successive years next before such marriage or domestic partnership without being known to such person to be living within that time;

“(2) Marriage to said living spouse shall have been dissolved by a valid decree of a competent court, or shall have been pronounced void by a valid decree of a competent court on the ground of the nullity of the marriage contract; or

“(3) Domestic partnership with said living domestic partner has been terminated in accordance with section 3(d) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-702(d)).

“(b) For the purposes of this section, the term:

“(1) “Domestic partner” shall have the same meaning as provided in section 2(3) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(3)).

“(2) “Domestic partnership” shall have the same meaning as provided in section

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2(4) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(4)).”.

(b) Section 859 (D.C. Official Code § 22-1403) is amended to read as follows:

Amend  
§ 22-1403

“Sec. 859. False personation.

“(a) Whoever falsely personates another person before any court of record or judge thereof, or clerk of court, or any officer in the District authorized to administer oaths or take the acknowledgment of deeds or other instruments or to grant marriage licenses or accepts domestic partnership registrations, with intent to defraud, shall be imprisoned for not less than 1 year nor more than 5 years.

“(b) For the purposes of this section, the term “domestic partnership” shall have the same meaning as provided in section 2(4) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(4)).”.

Sec. 24. Title 23 of the District of Columbia Official Code is amended as follows:

(a) Section 23-541 is amended by adding a new paragraph (12) to read as follows:

Amend  
§ 23-541

“(12) The term “domestic partner” shall have the same meaning as provided in § 32-701(3).”.

(b) Section 23-547(d) is amended as follows:

(1) The lead-in language is amended by striking the phrase “a husband and wife” and inserting the phrase “spouses or domestic partners,” in its place.

Amend  
§ 23-547

(2) Paragraph (2) is amended by striking the phrase “husbands and wives” and inserting the phrase “spouses or domestic partners” in its place.

Sec. 25. An Act Relating to the payment or delivery by banks or other persons or institutions in the District of Columbia of deposits of money and property held in the names of two or more persons, and for other purposes, approved May 15, 1928 (45 Stat. 533; D.C. Official Code § 26-801 *et seq.*), is amended as follows:

(a) Section 1 (D.C. Official Code § 26-801) is amended as follows:

Amend  
§ 26-801

(1) Strike the phrase “husband and wife” and insert the phrase “spouses or domestic partners” in its place.

(2) Add a new sentence at the end to read as follows:

“For the purposes of this section, the term “domestic partner” shall have the same meaning as provided in section 2(3) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(3)).”.

(b) Section 2 (D.C. Official Code § 26-802) is amended as follows:

Amend  
§ 26-802

(1) Strike the phrase “husband and wife” wherever it appears and insert the phrase “spouses or domestic partners” in its place.

(2) Add a new sentence at the end to read as follows:

“For the purposes of this section, the term “domestic partner” shall have the same

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meaning as provided in section 2(3) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(3)).”.

Sec. 26. Title 28 of the District of Columbia Official Code is amended as follows:

(a) Section 28-4801.02 is amended by adding new paragraphs (2A) and (2B) to read as follows:

Amend  
§ 28-4801.02

“(2A) “Domestic partner” shall have the same meaning as provided in § 32-701(3).

“(2B) “Domestic partnership” shall have the same meaning as provided in § 32-701(4).”.

(b) Section 28-4801.04(c)(1) is amended by striking the word “spouse” and inserting the phrase “spouse or domestic partner” in its place.

Amend  
§ 28-4801.04

(c) Section 28-4804.09(d) is amended by striking the word “marital” and inserting the phrase “marital or domestic partnership” in its place.

Amend  
§ 28-4804.09

(d) Section 28-4804.13(a) is amended by striking the word “spouse” wherever it appears and inserting the phrase “spouse or domestic partner” in its place.

Amend  
§ 28-4804.13

(e) Section 28-4805.06(b) is amended by striking the word “marital” wherever it appears and inserting the phrase “marital or domestic partnership” in its place.

Amend  
§ 28-4805.06

Sec. 27. The Health Insurance Portability and Accountability Federal Law Conformity and No-Fault Motor Vehicle Insurance Act of 1998, effective April 13, 1999 (D.C. Law 12-209; D.C. Official Code § 31-3301.01 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 31-3301.01) is amended by adding a new paragraph (9A) to read as follows:

Amend  
§ 31-3301.01

“(9A) “Domestic partnership” shall have the same meaning as provided in section 2(4) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(4)).”.

(b) Section 307 (D.C. Official Code § 31-3303.07) is amended as follows:

Amend  
§ 31-3303.07

(1) Subsection (k) is amended by striking the word “marriage” and inserting the phrase “marriage or domestic partnership” in its place.

(2) Subsection (l)(1) is amended by striking the word “marriage” and inserting the phrase “marriage or domestic partnership” in its place.

Sec. 28. The Life Insurance Act, approved June 19, 1934 (48 Stat. 1125; D.C. Official Code § 31-4201 *et seq.*), is amended as follows:

(a) Section 1 of Chapter I (D.C. Official Code § 31-4202) is amended by adding 2 new paragraphs at the end to read as follows:

Amend  
§ 31-4202

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““Domestic partner” shall have the same meaning as provided in section 2(3) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(3)).

““Domestic partnership” shall have the same meaning as provided in section 2(4) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(4)).”.

(b) Section 31 of Chapter II (D.C. Official Code § 31-4330) is amended by striking the phrase “husband, wife” and inserting the word “spouse” in its place.

Amend  
§ 31-4330

(c) Section 12 of Chapter V (D.C. Official Code § 31-4712) is amended as follows:

Amend  
§ 31-4712

(1) Subsection (b)(1)(C) is amended by striking the phrase “husband, wife” and inserting the phrase “spouse, domestic partner” in its place.

(2) Subsection (c)(1)(I)(ii) is amended by striking the word “marriage” and inserting the phrase “marriage or domestic partnership” in its place.

Sec. 29. Section 9 of the Employment Services Licensing and Regulation Act of 1984, effective March 13, 1985 (D.C. Law 5-136; D.C. Official Code § 32-408), is amended as follows:

Amend  
§ 32-408

(a) Strike the phrase “marital status,” and insert the phrase “marital status, domestic partnership,” in its place.

(b) Add a new sentence at the end to read as follows:

“For the purposes of this section, the term “domestic partnership” shall have the same meaning as provided in section 2(4) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(4)).”.

Sec. 30. Section 3 of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-702), is amended as follows:

Amend  
§ 32-702

(a) Subsections (d) and (e) are amended to read as follows:

“(d) A domestic partnership may be terminated only by the following methods:

“(1) Either domestic partner may terminate the domestic partnership by filing a termination statement with the Mayor. The person filing the termination statement shall declare that:

“(A) The domestic partnership is to be terminated; and

“(B) A copy of the termination statement has been served on the other domestic partner if the termination statement is not signed by both domestic partners.

“(2) A domestic partner may terminate a domestic partnership because the other domestic partner has abandoned the domestic partnership by filing a termination statement with the Mayor. The person filing the termination statement shall declare that:

“(A) The domestic partnership is to be terminated;

“(B) The other domestic partner permanently departed the mutual

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residence at least 6 months before the filing of the termination statement, or has not been in contact with the domestic partner filing the termination statement for at least 6 months preceding the filing of the termination statement; and

“(C) If the location of the other domestic partner is known, a copy of the termination statement has been served on the other domestic partner.

“(3) A domestic partnership shall terminate if the domestic partners marry each other. Notice that the domestic partnership has been terminated in this manner shall be provided to the Mayor within 30 days of the marriage.

“(4) A domestic partnership shall terminate upon the death of either domestic partner.

“(e)(1) A termination pursuant to subsection (d)(1) of this section shall take effect 6 months after the termination statement is filed, during which period benefits will continue to accrue.

“(2) A termination pursuant to subsection (d)(2) of this section shall take effect immediately upon the filing of the statement.

“(3) A termination pursuant to subsection (d)(3) of this section shall take effect immediately upon the date of the marriage.

“(4) A termination pursuant to subsection (d)(4) of this section shall take effect immediately upon the death of the domestic partner.

“(5) No provision of this subsection shall be interpreted to terminate any rights or benefits otherwise afforded under the law to a surviving domestic partner.”.

(b) Subsection (h) is amended by striking the phrase “Private sector employees” and inserting the phrase “District residents who are not government employees” in its place.

(c) A new subsection (i) is added to read as follows:

“(i) Relationships established in accordance with the laws of other jurisdictions that are substantially similar to domestic partnerships established by this act, as certified by the Mayor, shall be recognized as domestic partnerships in the District.”.

Sec. 31. The District of Columbia Workers' Compensation Act of 1979, effective July 1, 1980 (D.C. Law 3-77; D.C. Official Code § 32-1501 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 32-1501) is amended as follows:

(1) New paragraphs (h-1) and (h-2) are added to read as follows:

“(h-1) “Domestic partner” shall have the same meaning as provided in section 2(3) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(3)).

“(h-2) “Domestic partnership” shall have the same meaning as provided in section 2(4) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(4)).”.

(2) Paragraph (t) is amended to read as follows:

Amend  
§ 32-1501

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“(t) “Surviving spouse or domestic partner” includes the decedent’s spouse or domestic partner living with or dependent for support upon the decedent at the time of his or her death, or living apart for justifiable cause or by reason of his or her desertion at such time.”.

(b) Section 5(a) (D.C. Official Code § 32-1504(a)) is amended by striking the phrase “husband or wife,” and inserting the phrase “spouse or domestic partner,” in its place.

Amend  
§ 32-1504

(c) Section 7 (D.C. Official Code § 32-1506) is amended by striking the phrase “widow or widower” and inserting the phrase “surviving spouse or domestic partner” in its place.

Amend  
§ 32-1506

(d) Section 9(d) (D.C. Official Code § 32-1508(4)) is amended as follows:

Amend  
§ 32-1508

(1) Strike the phrase “widow or widower” wherever it appears and insert the phrase “spouse or domestic partner” in its place.

(2) Paragraph (5) is amended as follows:

(A) Strike the phrase “surviving spouse” and insert the phrase “surviving spouse or domestic partner” in its place.

(B) Strike the phrase “wife, husband, or child” and insert the phrase “spouse, domestic partner, or child” in its place.

(e) Section 10 (D.C. Official Code § 32-1509) is amended as follows:

Amend  
§ 32-1509

(1) Strike the phrase “widow or widower” wherever it appears and insert the phrase “surviving spouse or domestic partner” in its place.

(2) Paragraph (2) is amended as follows:

(A) Strike the phrase “during widowhood, or widowerhood” and insert the phrase “for as long as the surviving spouse or domestic partner does not remarry or enter into a domestic partnership” in its place.

(B) Strike the phrase “upon remarriage” and insert the phrase “upon remarriage or entry into a domestic partnership” in its place.

(C) Strike the phrase “death or remarriage” and insert the phrase “death, remarriage, or entry into a domestic partnership” in its place.

Sec. 32. An Act For the retirement of public-school teachers in the District of Columbia, approved August 7, 1946 (60 Stat. 875; D.C. Official Code § 38-2021.01 *et seq.*), is amended as follows:

(a) Section 5 (D.C. Official Code § 38-2021.05)) is amended as follows:

Amend  
§ 38-2021.05

(1) Strike the phrase “widow or widower” wherever it appears and insert the phrase “spouse or domestic partner” in its place.

(2) Subsection (b) is amended as follows:

(A) Paragraph (1) is amended to read as follows:

“(1) A reduced annuity and an annuity after death payable to the surviving spouse or domestic partner of such teacher. The life annuity of a teacher making such election, or any portion of such annuity designated by the teacher in writing for such purposes at the time of retirement, shall be reduced by 2 ½% of so much thereof as does not exceed \$3,600 and by



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10% of so much thereof as exceeds \$3,600. The spouse or domestic partner of a teacher making such election shall be entitled to an annuity equal to 55% of such life annuity, or designated portion thereof, except that if a retired teacher who has elected a reduced annuity as provided in this paragraph or in subsection (d) of this section dies and is survived by a spouse or domestic partner whom he or she married or entered into a domestic partnership with after retirement, such spouse or domestic partner is entitled to an annuity in an amount which would have been paid had the teacher been married to, or in a domestic partnership with, the spouse or domestic partner at the time of retirement, but only if: (A) such spouse or domestic partner was married to, or in a domestic partnership with, such individual for at least 2 years immediately preceding the teacher's death, or is the mother or father of issue of such marriage or domestic partnership; and (B) such spouse or domestic partnership elects this annuity instead of any other survivor benefit to which he or she may be entitled under this part or another retirement system for employees of the federal or District government. The annuity of a spouse or domestic partner entitled to an annuity under this paragraph shall begin on the day after the retiree dies. Such annuity and any right thereto shall terminate on the last day of the month before: (A) the spouse or domestic partner dies; or (B) the spouse or domestic partner remarries or enters into a domestic partnership before becoming 60 years of age. In the case of a surviving spouse or domestic partner whose annuity under this paragraph is terminated because of remarriage or entry into a domestic partnership before becoming 60 years of age, annuity at the same rate shall be restored commencing on the day the remarriage is dissolved by death, annulment, or divorce, or the day the domestic partnership is terminated in accordance with section 3(d) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-702(d)), if:

“(i) The surviving spouse or domestic partner elects to receive the annuity which was terminated instead of a survivor benefit to which the surviving spouse or domestic partner may be entitled, under this part or another retirement system for employees of the federal or District government, by reason of the remarriage or entry into a domestic partnership; and

“(ii) Any lump sum paid on termination of the annuity is repaid to the Custodian of Retirement Funds (as defined in section 102(6) of the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 866; D.C. Official Code § 1-702(6)) for deposit in the District of Columbia Teachers' Retirement Fund established by section 123(a) of the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 873; D.C. Official Code § 1-713(a)).”.

(B) Paragraph (2) is amended by striking the word “unmarried” and inserting the phrase “unmarried, not in a domestic partnership,” in its place.

(3) Subsection (d) is amended as follows:

(A) Strike the word “unmarried” and insert the phrase “unmarried and not in a domestic partnership” in its place.

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(B) Strike the word “spouse” wherever it appears and insert the phrase “spouse or domestic partner” in its place.

(C) Strike the word “marries” wherever it appears and insert the phrase “marries or enters into a domestic partnership” in its place.

(b) Section 9 (D.C. Official Code § 38-2021.09)) is amended as follows:

Amend  
§ 38-2021.09

(1) Subsection (b) is amended to read as follows:

“(b)(1) In the event any teacher to whom this part applies shall die subsequent to March 6, 1952, after completing at least 18 months of eligible service and is survived by a spouse or domestic partner, such surviving spouse or domestic partner shall be paid an annuity beginning the day after the teacher dies, equal to 55% of the amount of an annuity computed as provided in subsection (a) of section 5 of this Act with respect to such teacher, except that in the computation of the annuity under such subsection the annuity of the teacher shall be at least the smaller of: (A) forty per centum of his average salary; or (B) the sum obtained under such subsection after increasing his eligible service of the type last performed by the period elapsing between the date of death and the date he would have become 60 years of age. Such annuity and any right thereto shall terminate on the last day of the month before: (A) the surviving spouse or domestic partner dies; or (B) the surviving spouse or domestic partner remarries or enters a new domestic partnership before becoming 60 years of age. In the case of a surviving spouse or domestic partner whose annuity under this paragraph is terminated because of remarriage or entry into a new domestic partnership before becoming 60 years of age, annuity at the same rate shall be restored commencing on the day the remarriage is dissolved by death, annulment, or divorce, or the new domestic partnership is terminated in accordance with section 3(d) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-702(d)), if:

“(i) The surviving spouse or domestic partner elects to receive the annuity which was terminated instead of a survivor benefit to which the surviving spouse or domestic partner may be entitled, under this part or another retirement system for employees of the federal or District government, by reason of the remarriage or new domestic partnership; and

“(ii) Any lump sum paid on termination of the annuity is repaid to the Custodian of Retirement Funds (as defined in section 102(6) of the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 866; D.C. Official Code § 1-702(6) (“Retirement Reform Act”)), for deposit in the District of Columbia Teachers' Retirement Fund established by section 123(a) of the Retirement Reform Act (D.C. Official Code § 1-713(a)).

“(2) If any teacher to whom this part applies shall die after completing at least 18 months of eligible service or after having retired under the provisions of section 3 or section 4 of this Act and is survived by a spouse or domestic partner, each surviving child shall be paid an annuity equal to the smallest of: (A) sixty per centum of the teacher's average salary divided by the number of children; (B) \$ 900; or (C) \$ 2,700 divided by the number of children. If such

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teacher is not survived by a spouse or domestic partner, each surviving child shall be paid an annuity equal to the smallest of: (A) seventy-five per centum of the teacher's average salary divided by the number of children; (B) \$ 1,080; or (C) \$ 3,240 divided by the number of children. The child's annuity shall commence on the first day after the teacher dies. Such annuity and the right thereto terminate on the last day of the month before the child: (i) becomes 18 years of age unless he is then a student as described or incapable of self-support; (ii) becomes capable of self-support after becoming 18 years of age unless he or she is then such a student; (iii) becomes 22 years of age if he or she is then such a student and capable of self-support; (iv) ceases to be such a student after becoming 18 years of age unless he or she is then incapable of self-support; or (v) dies or marries; whichever first occurs. Upon the death of the surviving spouse or domestic partner or termination of the annuity of the child, the annuity of any other child or children shall be recomputed and paid as though such spouse, domestic partner, or child had not survived the teacher.

“(3) In the event any teacher to whom this part applies shall die subsequent to March 6, 1952, after completing at least 18 months of eligible service, and is not survived by a spouse, domestic partner, or children, but is survived by dependent parents or a dependent father or a dependent mother, such surviving dependent parents or parent shall be paid an annuity, beginning the first day of the month following the death of the teacher, equal to 55% of the amount of an annuity computed as provided in subsection (a) of section 5 of this Act with respect to such teacher, except that, in the computation of the annuity under such subsection, the annuity of the teacher shall be at least the smaller of 40% of his average salary, or the sum obtained under such subsection after increasing his eligible service of the type last performed by the period elapsing between the date of death and the date he would have become 60 years of age; provided, that such payments shall be made jointly to surviving dependent parents and payment of such annuity shall continue after the death of either dependent parent; provided further, that all such payments or any right thereto shall cease upon the death of both dependent parents.”

(2) Subsection (c) is amended as follows:

(A) Paragraph (1) is amended to read as follows:

“(1) The term "spouse" means a surviving wife or husband of an individual, who either shall have been married to such individual for at least 2 years immediately preceding the individual's death, or is the mother or father of issue by such marriage.

(B) Paragraph (5) is repealed.

(C) A new paragraph (7) is added to read as follows:

“(7) The term “domestic partner” shall have the same meaning as provided in section 2(3) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(3)), and who shall have been a domestic partner with such individual for at least 2 years immediately preceding his death.

(c) Section 10(b) (D.C. Official Code § 38-2021.10(b)(1)(B)) is amended by striking the

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phrase "widow or widower" and inserting the phrase "spouse or domestic partner" in its place.

Amend  
§ 38-2021.10  
Amend  
§ 38-2021.13

(d) Section 13 (D.C. Official Code § 38-2021.13) is amended by adding 2 new paragraphs at the end to read as follows:

"For the purposes of this Act, the term "domestic partner" shall have the same meaning as provided in section 2(3) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(3)).

"For the purposes of this Act, the term "domestic partnership" shall have the same meaning as provided in section 2(4) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(4))."

(e) Section 23 (D.C. Official Code § 38-2021.23) is amended by striking the word "spouse" and inserting the phrase "spouse or domestic partner" in its place.

Sec. 33. Section 1031 and Subchapter Five of Chapter Sixteen of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1352, 1277; D.C. Official Code §§ 42-516 and § 42-601), are amended as follows:

(a) Section 1031(a) (D.C. Official Code § 42-516(a)) is amended by striking the phrase "including estates granted or devised to husband and wife," and inserting the phrase "including estates granted or devised to spouses or domestic partners, as defined in section 2(3) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(3))," in its place.

Amend  
§ 42-516

(b) The second deed form in Subchapter Five of Chapter Sixteen (D.C. Official Code § 42-601) is amended to read as follows:

Amend  
§ 42-601

**"DEED BY SPOUSE OR DOMESTIC PARTNER**

"This deed, made this \_\_\_\_ day of \_\_\_\_, in the year \_\_\_\_, by us, \_\_\_\_ and \_\_\_\_, his or her spouse or domestic partner, of \_\_\_\_, witnesseth, that in consideration of \_\_\_\_, we, the said \_\_\_\_ and his or her spouse or domestic partner, do grant unto \_\_\_\_, of \_\_\_\_, and so forth.

"Witness our hands and seals.

[Seal.]

[Seal.]".

Sec. 34. Section 302(7) of the District of Columbia Deed Recordation Tax Act, approved March 2, 1962 (76 Stat. 11; D.C. Official Code § 42-1102(7)), is amended by striking the phrase "husband and wife" and inserting the word "spouses" in its place.

Amend  
§ 42-1102

Sec. 35. Section 2 of the Residential Real Property Seller Disclosure, Funeral Services Date Change, and Public Service Commission Independent Procurement Authority Act of 1998, effective April 20, 1999 (D.C. Law 12-263; D.C. Official Code § 42-1301), is amended as follows:

Amend  
§ 42-1301

(a) Subsection (b) is amended as follows:

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(1) Paragraph (6) is amended by striking the phrase “spouse,” and inserting the phrase “spouse, domestic partner,” in its place.

(2) Paragraph (7) is amended by striking the word “spouses” and inserting the phrase “spouses or domestic partners” in its place.

(b) A new subsection (c) is added to read as follows:

“(c) For the purposes of this section, the term “domestic partner” shall have the same meaning as provided in section 2(3) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(3)).”

Sec. 36. The Condominium Act of 1976, effective March 29, 1977 (D.C. Law 1-89; D.C. Official Code § 42-1901.01 *et seq.*), is amended as follows:

(a) Section 102 (D.C. Official Code § 42-1901.02) is amended by adding a new paragraph (12A) to read as follows:

Amend  
§ 42-1901.02

“(12A) “Domestic partner” shall have the same meaning as provided in section 2(3) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(3)).”

(b) Section 103 (D.C. Official Code § 42-1901.03) is amended by striking the phrase “(in the case of husband and wife)” and inserting the phrase “(in the case of spouses or domestic partners)” in its place.

Amend  
§ 42-1901.03

Sec. 37. Section 402(c)(2)(B) of the Rental Housing Conversion and Sale Act of 1980, effective September 10, 1980 (D.C. Law 3-86; D.C. Official Code § 42-3404.02(c)(2)(B)), is amended by striking the phrase “husband and wife” and inserting the word “spouses” in its place.

Amend  
§ 42-3404.02

Sec. 38. Section 303(e)(2) of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3503.03(e)(2)), is amended by striking the phrase “other than the husband and wife” and inserting the phrase “other than spouses” in its place.

Amend  
§ 42-3503.03

Sec. 39. Section 205(b)(3)(C) of the Nursing Home and Community Residence Facility Residents' Protections Act of 1985, effective April 18, 1986 (D.C. Law 6-108; D.C. Official Code § 44-1002.05(b)(3)(C)), is amended to read as follows:

Amend  
§ 44-1002.05

“(C) A parent, child, grandchild, spouse, domestic partner, sibling, first cousin, aunt, or uncle of one of the facility's residents, whether the relationship arises by blood, marriage, domestic partnership, or adoption. For the purposes of this subparagraph, the term “domestic partner” shall have the same meaning as provided in section 2(3) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(3)), and the term “domestic partnership” shall have the same meaning as provided in section 2(4) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C.

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Law 9-114; D.C. Official Code § 32-701(4)).”.

Sec. 40. The Uniform Premarital Agreement Act of 1995, effective February 9, 1996 (D.C. Law 11-82; D.C. Official Code § 46-501 *et seq.*), is amended as follows:

(a) Section 4(a)(3) (D.C. Official Code § 46-503(a)(3)) is amended by striking the phrase “under section 3 of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-702),” and inserting the phrase “pursuant to section 3(d) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-702(d)),” in its place.

Amend  
§ 46-503

(b) Section 7(b) (D.C. Official Code § 46-506(b)) is amended by striking the phrase “under section 3 of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-702),” and inserting the phrase “pursuant to section 3(d) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-702(d)),” in its place.

Amend  
§ 42-506

Sec. 41. Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-802 is amended by adding a new paragraph (15) to read as follows:

“(15) The term “domestic partner” shall have the same meaning as provided in § 32-701(3).”.

Amend  
§ 47-802

(b) Section 47-845(e) is amended as follows:

Amend  
§ 47-845

(1) Strike the phrase “(other than spouse)” and insert the phrase “(other than spouse or domestic partner)” in its place.

(2) Strike the phrase “husband, wife,” and insert the phrase “spouse, domestic partner,” in its place.

(c) Section 47-845.03(l) is amended by striking the word “spouse” and inserting the phrase “spouse or domestic partner” in its place.

Amend  
§ 47-845.03

(d) Section 47-902(5) is amended by striking the phrase “husband and wife” and inserting the word “spouses” in its place.

Amend  
§ 47-902

(e) Section 47-1801.04 is amended by adding a new paragraph (1B) to read as follows:

Amend  
§ 47-1801.04

“(1B) “Domestic partnership” shall have the same meaning as provided in § 32-701(4).”.

(f) Section 47-1802.01(19)(B) is amended by striking the phrase “spouses, widows, or widowers” and inserting the phrase “spouses or domestic partners, or surviving spouses or domestic partners,” in its place.

Amend  
§ 47-1802.01

(g) Section 47-1803.03(c) is amended by striking the last sentence and inserting in its place the following: “If spouses or domestic partners file separate returns, the applicable standard deduction shall be allowed to neither if the net income of one of the spouses or domestic partners is determined by itemizing deductions.”.

Amend  
§ 47-1803.03

(h) Section 47-1806.03 is amended as follows:

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(1) Subsection (c) is amended by striking the phrase “husband or wife” and inserting the phrase “spouse or domestic partner” in its place.

Amend  
§ 47-1806.03

(2) Subsection (e) is amended by striking the phrase “husband and wife” and inserting the phrase “spouses or domestic partners” in its place.

(i) Section 47-1806.06 is amended as follows:

Amend  
§ 47-1806.06

(1) Subsection (b)(5) is amended by striking after the word “spouse” and inserting the phrase “spouse or domestic partner” in its place.

(2) Subsection (j)(2) is amended by striking the phrase “husband and wife” wherever it appears and inserting the phrase “spouses or domestic partners” in its place.

Amend  
§ 47-1807.04

(j) Section 47-1807.04(b)(8) is amended by striking the word “spouse” and inserting the phrase “spouse or domestic partner” in its place.

(k) Section 47-1807.05(b)(7) is amended by striking the word “spouse” and inserting the phrase “spouse or domestic partner,” in its place.

Amend  
§ 47-1807.05

(l) Section 47-1807.07(a)(6) is amended by striking the phrase “(and, if married, the employee’s spouse)” and inserting the phrase “(and, if married or in a domestic partnership, the employee’s spouse or domestic partner)” in its place.

Amend  
§ 47-1807.07

(m) Section 47-1812.08(i)(3) is amended to read as follows:

“(3) In the case of a husband and wife (or domestic partner who filed under § 47-1805.01(f)), a single declaration under this section may be made by them jointly, in which case the liability with respect to the estimated tax shall be joint and several. No joint declaration may be made if the husband and wife are separated under a decree of divorce or of separate maintenance (or domestic partner who filed under § 47-1805.01(f) has terminated the domestic partnership in accordance with § 32-702(d)), or if they have different taxable years. If a joint declaration is made but a joint return is not made for the taxable year, the estimated tax for such year may be treated as the estimated tax of either spouse (or domestic partner who filed under § 47-1805.01(f)), or may be divided between them.”.

Amend  
§ 47-1812.08

(n) Section 47-1817.02(c)(2)(D) is amended by striking the word “spouse” and inserting the phrase “spouse, domestic partner,” in its place.

Amend  
§ 47-1817.02

(o) Section 47-3701 is amended as follows:

Amend  
§ 47-3701

(1) A new paragraph (3A) is added to read as follows:

“(3A) “Domestic partner” shall have the same meaning as provided in § 32-701(3).”.

(2) Paragraph (5) is amended to read as follows:

“(5) “Gross estate” means:

“(A) For a decedent whose death occurs prior to January 1, 2008, the meaning defined in the Internal Revenue Code.

“(B) For a decedent whose death occurs on or subsequent to January 1, 2008, the meaning defined in the Internal Revenue Code, except that for the purpose of calculating District estate taxes, gross estate shall be calculated as if federal estate tax law

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recognized a domestic partner in the same manner as a spouse.”.

(3) Paragraph (12) is amended to read as follows:

“(12) “Taxable estate” means:

“(A) For a decedent whose death occurs prior to January 1, 2008, the meaning defined in section 2501 of the Internal Revenue Code of 1954.

“(B) For a decedent whose death occurs on or subsequent to January 1, 2008, the meaning defined in section 2501 of the Internal Revenue Code of 1954, except that for the purpose of calculating District estate taxes, taxable estate shall be calculated as if federal estate tax law recognized a domestic partner in the same manner as a spouse.”.

(p) Section 47-4304 is amended as follows:

(1) Subsection (d)(2) is amended by striking the word “spouse” and inserting the phrase “spouse, domestic partner,” in its place.

(2) A new subsection (f) is added to read as follows:

“(f) For the purposes of this section, the term “domestic partner” shall have the same meaning as provided in § 32-701(3).”.

Amend  
§ 47-4304

Sec. 42. Section 6(j)(3)(L) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat 1121; D.C. Official Code § 50-2201.03(j)(3)(L)), is amended by striking the phrase “section 2 of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-702)” and inserting the phrase “section 3(d)(1) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-702(d)(1))” in its place.

Amend  
§ 50-2201.03

Sec. 43. Fiscal impact statement.

The Council adopts the April 1, 2008 fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, effective December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

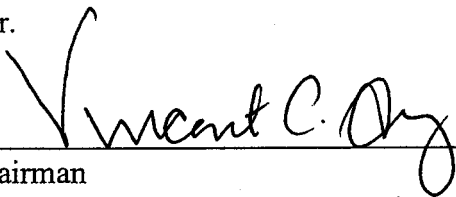
Sec. 44. Effective date.

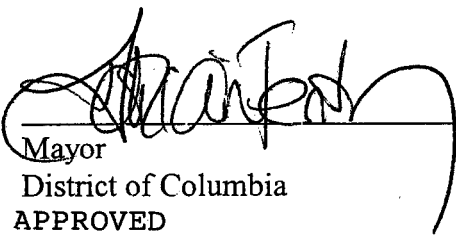
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 60-day period of Congressional review as provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December



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24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of Columbia Register.

  
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Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
June 6, 2008